

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CARPENTERS FRINGE BENEFIT	)	
FUNDS OF ILLINOIS, <i>et al.</i> ,	)	
	)	CIVIL ACTION
Plaintiffs,	)	
	)	NO. 17 C 6801
vs.	)	
	)	JUDGE EDMOND E. CHANG
DE GRAF CONCRETE CONSTRUCTION,	)	
INC., an Illinois corporation,	)	
	)	
Defendant.	)	

**MOTION FOR ENTRY OF JUDGMENT**

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on December 13, 2017, request this Court enter judgment against Defendant, DE GRAF CONCRETE CONSTRUCTION, INC. In support of that Motion, Plaintiffs state:

1. On December 13, 2017, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for September 2017 forward. The Court also entered an order that judgment would be entered after Defendant submitted the required reports and Plaintiffs determined the amounts due and owing from Defendant.

2. On January 9, 2018, Plaintiffs filed their motion for an order setting a hearing on a rule to show cause as a result of Defendant's failure to submit its required monthly fringe benefit contribution reports for September 2017 forward, pursuant to this Court's December 13, 2018 Order. The motion was set for hearing on January 17, 2018.

3. On January 17, 2018, this Court granted Plaintiffs' motion, set an additional deadline of January 29, 2018 for Defendant to comply with the Order entered on December 13, 2018 and ordered that if Defendant failed to comply by January 29, 2018, the Court would conduct a hearing on February 9, 2018, which Defendant, by and through its President, Michael G. Pirron, was required to appear and show cause why he should not be held in contempt of court.

4. On January 22, 2018, Defendant submitted its monthly fringe benefit contribution reports for September 2017 through December 2017 directly to the Plaintiffs' Funds' office. The contribution reports show that the Defendant was delinquent in contributions to the Funds in the amount of \$22,011.52. (See Affidavit of Deborah L. French).

5. On January 29, 2018, Plaintiffs' counsel received payment of the fringe benefit contributions due for September 2017 through December 2017 in the amount of \$22,011.52.

6. Due to the untimely payment of the fringe benefit contributions due for September 2017 through December 2017, Plaintiffs have assessed liquidated damages against the Defendant in the amount of \$2,201.15. (French Aff. Par. 6).

7. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of one and one-half (1.5%) percent of the total contributions untimely received for the months of November 2016 through August 2017, compounded monthly at one and one-half (1.5%) percent, for the period accrued through December 31, 2017, in the total amount of \$1,384.19. (French Aff. Par. 7).

8. In addition, Plaintiffs' firm has expended the amount of \$485.00 for costs and \$2,002.50 for attorneys' fees, for a total of \$2,487.50, in this matter. (See Affidavit of Catherine M. Chapman).

9. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$6,072.84.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$6,072.84.

/s/ Cecilia M. Scanlon

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### **CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 5th day of February 2018:

Mr. Michael G. Pirron, Registered Agent/President  
De Graf Concrete Construction, Inc.  
300 Alderman Avenue  
Wheeling, IL 60090

/s/ Cecilia M. Scanlon \_\_\_\_\_

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